



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: BTS Broadcast Television Systems, Inc.

File: B-239630

Date: May 25, 1990

Lynn B. Larsen, Esq., Larsen & Stewart, for the protester. James Vickers, Esq., and John Brosnan, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Letter to contracting agency's purchasing agent stating intent to protest but which does not state any specific basis for protest is not sufficient to constitute agency-level protest and a subsequent protest to the General Accounting Office 6 weeks after basis of protest was known is dismissed as untimely.

DECISION

BTS Broadcast Television Systems, Inc. (BTS), protests the award of contract No. MDA903-85-D-0014 for a video distribution system to Utah Scientific by Grammtech, Ltd. According to the protester, Grammtech was acting as a purchasing agent for the Air Force.

BTS' protest to our Office contains numerous allegations of violations of various procurement regulations regarding the alleged use of an oral solicitation without specifications, the evaluation of offers and the qualifications of the awardee's product.

We dismiss the protest as untimely.

BTS was advised of the selection of Utah Scientific by a letter dated March 26, 1990, from Grammtech. That same date BTS sent Grammtech the following letter:

"In response to the recent announced purchase decision regarding the Granite Sentry VDS Routing Switch Procurement, BTS wishes to notify you of our intent to protest this action.

049595/141452

In light of the numerous unusual issues surrounding this process, we are also giving serious consideration to filing a complaint with our congressional delegation for the purpose of convening a congressional investigation to look into alleged improprieties involving F.A.R. violations and major digressions from published policy positions."

BTS states it heard nothing in response from Grammtech and filed its protest with our Office on May 10.

We do not find BTS's letter of March 26 to be sufficient to have constituted a protest. The letter merely announced an intent to protest and did not specify any specific protest grounds, and as such cannot be considered a protest. See Shankles Eng'g & Consulting, 68 Comp. Gen. 43 (1988), 88-2 CPD ¶ 565. Since BTS knew, on March 26, that Utah Scientific had received the award, it was required to protest the selection of that firm within 10 working days of that date. Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1). As far as the protester's arguments involving the solicitation process are concerned, they should have been raised prior to the closing date for receipt of offers. 4 C.F.R. § 21.2(a)(1) (1990). Since we have concluded that BTS' March 26 letter did not constitute a protest to the agency, its protest filed with our Office on May 10 is clearly untimely.

The protest is dismissed.



Ronald Berger
Associate General Counsel